

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JOHN P. HICKS, :  
Plaintiff, : Case No. 3:08cv056  
vs. : District Judge Thomas M. Rose  
Magistrate Judge Sharon L. Ovington  
A.J. WAGNER, *et al.*, :  
Defendants. :  
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**DECISION AND ENTRY**

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The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on September 8, 2008 (Doc. #12) is **ADOPTED** in full;
2. Plaintiff's Notice of Appeal and Unsworn Declaration, which the Court construes as a Motion For Leave To Appeal *In Forma Pauperis* (Doc. #10), is **DENIED**;
3. The Court declines to certify pursuant under 28 U.S.C. § 1915(a) that an appeal of this Decision and Entry would be taken in good faith; and
4. The case remains terminated on the docket of this Court.

October 1, 2008

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge